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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,659	09/30/2005	Masahiro Wakamori	MAT-8752US	4602
52473	7590	07/10/2007		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER DINH, JACK	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,659	Applicant(s) WAKAMORI, MASAHIRO	
	Examiner Jack Dinh	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0905 & 0307</u> . | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being unpatentable by Shuhei (Japan Patent Publication 2001-257928).

Regarding claim 1, Shuhei (figures 1-8) is interpreted as disclosing an eye-imaging device comprising an imager capable of switching over between a telephoto mode **25** to take a subject person's eye-images and a wide-angle mode **23** to take the subject person's facial images, keeping a certain distance to the subject person's eye, a display to display images taken by the wide-angle mode, a guide checker **35** to check automatically that the subject person's eye has been guided to a predetermined position according to the image taken by the wide-angle mode, and a selector **41** to switch over the imager automatically from the wide-angle mode to the telephoto mode when the guide checker checks that the subject person's eye has been guided to the predetermined position.

Regarding claim 2, Shuhei (figure 7) further discloses that the imager has a telephoto lens **25** and a wide-angle lens **23**, and the selector is a lens selector to switch over between the

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telephoto mode and the wide-angle mode by switching over between the telephoto lens and the wide-angle lens.

Regarding claim 4, Shuhei (figure 2b) further discloses that the imager has a telephoto camera **25** and a wide-angle camera **23**, and the selector is a camera selector to switch over between the telephoto mode and the wide-angle mode by switching over between the telephoto camera and the wide-angle camera.

Regarding claim 5, Shuhei (figures 2 and 6) discloses a portable terminal device **1** having the eye-imaging device of claim 1.

Regarding claim 6, Shuhei (figures 2 and 6) discloses a portable terminal device **1** having the eye-imaging device of claim 2.

Regarding claim 8, Shuhei (figures 2 and 6) discloses a portable terminal device **1** having the eye-imaging device of claim 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuhei (Japan Patent Publication 2001-257928), as applied in claim 1, in view of Suzuki (US Patent 5,760,969).

Regarding claim 3, Shuhei discloses all the claimed limitations as described above except that the imager has a zoom lens switchable between the telephoto mode and the wide-angle mode by driving the zoom lens. Within the same field of endeavor, Suzuki discloses a zoom lens switchable between the telephoto mode and the wide-angle mode by driving the zoom lens (col. 4, lines 33-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the zoom lens switchable between the telephoto mode and the wide-angle mode, for the purpose of saving space by using a single zoom lens.

Regarding claim 7, Shuhei (figures 2 and 6) discloses a portable terminal device 1 having the eye-imaging device of claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack, can be reached at 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack Dinh
07/03/07


RICKY MACK
SUPERVISORY PATENT EXAMINER